



EQUAL JUSTICE UNDER LAW

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December 2, 2019

Governor Tom Wolf
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

Secretary Leslie Richards
Pennsylvania Department of Transportation
400 North Street, Fifth Floor
Harrisburg, PA 17120

Re: Justice for All Pennsylvanians through Retroactive Enforcement of Act 95 of 2018

Dear Governor Wolf and Secretary Richards,

As an initial matter, we write to thank you for your support and involvement with Act 95 of 2018 — repealing driver's license suspensions for certain non-driving infractions — which went into effect on April 23, 2019. As a group of organizations dedicated to commonsense criminal justice, successful rehabilitation, and the welfare of Pennsylvania's families and workforce, we commend you for your leadership in taking such an important step toward fairness and reform that benefits all Pennsylvanians.

Unfortunately, Act 95 does not fully accomplish what it set out to do. Because it lacks retroactive enforcement, **tens of thousands of Pennsylvanians are still living with license suspensions that the General Assembly found to be unnecessarily harsh and affirmatively detrimental to rehabilitation.** Indeed, while Act 95 states no *additional* Pennsylvanians will be subject to certain non-driving suspensions in the future, it has *no effect* on the thousands of Pennsylvanians whose licenses are currently suspended due to past infractions under (the now-repealed) Section 1532(c). Because license suspensions under the repealed law run consecutively, some Pennsylvanians will continue to suffer from the collateral consequences of their license suspension for years to come — indeed, many individuals have suspensions that will run until as late as 2026. They are not being given the second chance that Act 95 was meant to provide.

The General Assembly ended Pennsylvania's policy of non-driving related licenses suspensions under 1532(c) because of its devastating effects on rehabilitation; a policy the

Governor's office described in a press release earlier this year as "archaic."¹ **As a practical matter, the archaic policy of 1532(c) is still in effect.** Individuals with suspensions under 1532(c) continue to face significant impediments to finding and keeping employment, they have difficulty caring for themselves and their families, and they face virtually insurmountable hurdles to positive, law-abiding lives. Act 95 has not eliminated these impediments to successful rehabilitation for tens of thousands of Pennsylvanians currently struggling with non-driving license suspensions that have since been outlawed.

In passing Act 95 (through HB 163 and HR 76), the Pennsylvania General Assembly, along with the Department of Transportation, took a stand against the debilitating effects of license suspension on Pennsylvania's families and workforce. HB 163 and HR 76 passed with enormous bipartisan support because, as all groups recognized, license suspension for non-driving offenses does not promote successful rehabilitation — it prevents it. Indeed, in support of the law's repeal, a PennDoT official testified before the Commonwealth's House of Representatives Judiciary and Transportation Committees on behalf of Secretary Richards: "PennDoT takes the position that driving privilege suspensions should be imposed only as a consequence for traffic violations and actions that threaten traffic safety . . . [non-driving violation] suspensions can prevent [people] from having the opportunity to reverse their life in a positive way."² In a press release earlier this year, the Governor's office recognized that a valid driver's license "often is the key to finding and keeping a job," and that we must continue "to break down even more unnecessary and especially difficult roadblocks to success and stability."³

We simply ask that you build on what has been accomplished by Act 95 so far: **We ask that you break down unnecessary and difficult roadblocks for the thousands of Pennsylvanians still struggling with non-driving license suspension by issuing and enforcing an executive order for retroactive enforcement of Act 95.**

Retroactivity will assist a significant number of the **over 1 million individuals** in the Commonwealth who currently have license suspensions that prevent individuals from joining the workforce, providing for their families, and contributing to society in a positive way. Retroactive enforcement will accomplish the commonsense reform goals that Act 95 was meant to achieve and that the bipartisan General Assembly overwhelmingly endorsed. Retroactive enforcement will ensure that criminal justice reform is fair and equal, meaning every person with a counterproductive license suspension gets a fair chance at rehabilitation. Perhaps just as importantly, retroactive enforcement of Act 95 will lift thousands of suspensions in accordance with the Department of Transportation's preferences. In contemplation of repealing 1532(c), PennDOT officially testified that non-driving related suspensions create a significant strain on budgets, administrative resources, and law enforcement resources, and PennDOT unequivocally supported an end to all such suspensions. With retroactive enforcement, tens of thousands of

¹ Press Release, April 23, 2019, at <https://www.governor.pa.gov/now-in-effect-pennsylvania-wont-suspend-drivers-licenses-for-non-driving-offenses/>

² *Presentation on Driver License Suspensions for Non-Driving Offenses: Hearing Before the H. Judiciary & Transp. Comms.*, (Pa. Oct. 27, 2017) (Testimony of Diosdado Arroyo on behalf of Pennsylvania Department of Transportation)

³ Press Release, April 23, 2019, at <https://www.governor.pa.gov/now-in-effect-pennsylvania-wont-suspend-drivers-licenses-for-non-driving-offenses/>

these resource-draining suspensions would be lifted, freeing up resources, helping families, and getting Pennsylvanians back into the workforce.

The intended effects of Act 95 can and should be put into effect for the thousands of Pennsylvanians *currently* struggling with the consequences of license suspension — not just for Pennsylvanians in the future. We sincerely thank you for your work thus far, and for your attention to this important matter affecting thousands of Pennsylvanians and their families.

Respectfully,

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